

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF TEXAS
HOUSTON DIVISION

KAYLA ROBBINS, §
§
Plaintiff, §
§
V. § CIVIL ACTION NO. 4:16-cv-479
§
GLOBAL HAWK INSURANCE §
COMPANY, §
§

JOINT STATUS REPORT

Pursuant to the Court's Memorandum and Order dated July 21, 2017 [Doc. #32], counsel for the parties respectfully submit the following Joint Status Report, and show the Court as follows:

1. This case is currently abated pending the resolution of an underlying challenge to the judgment Plaintiff Kayla Robbins ("Robbins" or "Plaintiff") obtained against Defendant Global Hawk Insurance Company's ("GHIC" or "Defendant"), insured, Enrique Carreon d/b/a Carreon Trucking ("Carreon"), and Dean Frederick Malzahn ("Malzahn").
2. On July 21, 2017, the Court entered a Memorandum and Order requesting the parties to file a Joint Status Report regarding the status of the Bill of Review proceeding in the case styled as Cause No. 2016-77147, *Dean Frederick Malzahn and Enrique Carreon d/b/a Carreon Trucking v. Kayla Robbins*, pending in the 127th Judicial District Court of Harris County, Texas (the "Bill of Review Proceeding"). This Joint Status Report shall confirm that the Bill of Review Proceeding remains pending. No parties to the Bill of Review Proceeding have sought a hearing or trial date in connection with such lawsuit.

3. On or about July 28, 2017, Kayla Robbins ("Plaintiff") filed an Application for Turnover Order, wherein, she requested the state court to award her all rights and causes of

action Malzahn and Carreon allegedly have against GHIC. Plaintiff did not serve GHIC with a copy of the Application for Turnover Order. Therefore, GHIC was unaware Plaintiff was seeking the assignment of any claims allegedly held by Malzahn and Carreon against GHIC until a later date. On or about August 15, 2017, Malzahn and Carreon filed a Response to Plaintiff's Turnover Request and asked the state court to deny such request for the entry of a turnover order. Instead, they continue to challenge the validity of the underlying judgment by way of the Bill of Review Proceeding. After learning of the Application for Turnover Order, on or about August 16, 2017, GHIC filed a Petition for Intervention so that it could intervene and challenge Plaintiff's right to receive assignment of any claims Malzahn and/or Carreon allegedly have against GHIC, as GHIC denies that any such claims exist.

4. To date, the state court has not conducted a hearing on Plaintiff's request for the entry of a turn over order. The Application for Turnover Order is not set for hearing as of the date of this filing. The state court has not issued a new date as a result of the significant flooding surrounding Hurricane Harvey and the backlog of civil settings resulting therefrom.

5. Per the Court's Order, the parties shall submit an updated joint status report ninety (90) days from the date of this filing and every ninety (90) days thereafter.

Respectfully submitted,

CRIACO & ASSOCIATES

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**ATTORNEYS FOR DEFENDANT GLOBAL
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CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing was served, via the Court's electronic filing system, on the 18th day of January 2018, upon the following:

VIA E-FILE: adam.criaco@criacolaw.com

Adam P. Criaco

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